

FILED
BILLINGS DIV.

2010 FEB 23 AM 11 42

PATRICK E. DUFFY, CLERK
BY _____
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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARVIN EARL ALBACK,

Defendant.

CR 10-18-BLG-RFC-CSO

FINDINGS AND
RECOMMENDATIONS
CONCERNING PLEA

The Defendant, by consent, has appeared before me under Fed. R.

Crim. P. 11 and has entered a plea of guilty to Counts I and II of the

Indictment.

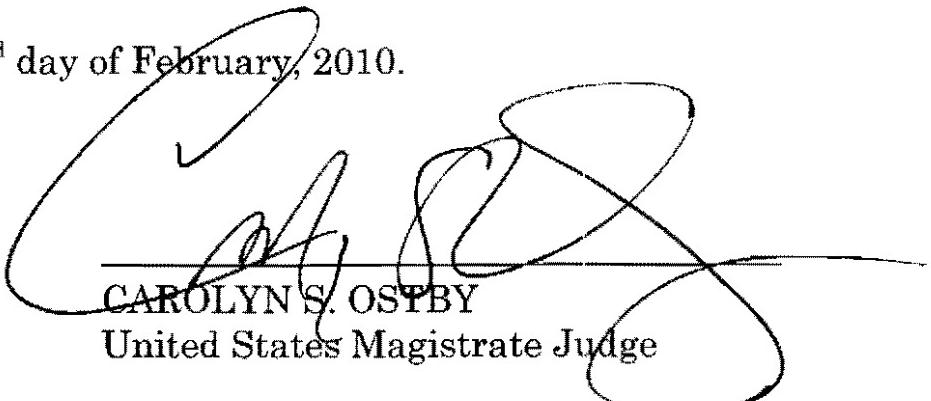
After examining the Defendant under oath, the Court determined that the guilty pleas were knowingly, intelligently, and voluntarily entered; that the Defendant fully understands his constitutional rights and the extent to which such rights are waived; and that the offenses charged and to which guilty pleas were entered contained each of the

essential elements of the offenses.

The Court further concludes that the Defendant had adequate time to review the Plea Agreement with counsel, that he fully understands each and every provision of the agreement and that all of the statements in the Plea Agreement are true. I recommend that the Defendant be adjudged guilty and that sentence be imposed. A presentence report has been ordered. Should the Court accept this recommendation, sentencing shall be set by Chief Judge Cebull.

Objections to these Findings and Recommendation are waived unless filed and served within fourteen (14) days. 28 U.S.C. § 636(b)(1)(B); Fed. R. Crim. P 59(b)(2).

DATED this 23rd day of February, 2010.


CAROLYN S. OSTBY
United States Magistrate Judge